

HOUSE BILL NO. 213

INTRODUCED BY B. HARRIS

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3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE OPERATION OF ELECTRIC VEHICLES BY
5 DISABLED PERSONS; DEFINING "LOW-SPEED ELECTRIC VEHICLE"; PROHIBITING THE OPERATION OF
6 A LOW-SPEED ELECTRIC VEHICLE ON CERTAIN HIGHWAYS; PROVIDING FOR PERMANENT
7 REGISTRATION OF A LOW-SPEED ELECTRIC VEHICLE; ALLOWING FOR OPERATION OF A LOW-SPEED
8 ELECTRIC VEHICLE WITHOUT A MOTORCYCLE ENDORSEMENT; REQUIRING CERTAIN EQUIPMENT ON
9 A LOW-SPEED ELECTRIC VEHICLE; AMENDING SECTIONS 61-1-101, 61-3-562, 61-5-102, 61-9-220, AND
10 61-9-432, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 NEW SECTION. **Section 1. Low-speed electric vehicle -- operating requirements.** (1) A low-speed
15 electric vehicle may be operated only by a disabled person and only on a highway for which the posted speed
16 limit does not exceed 25 miles per hour.

17 (2) A person is considered disabled for purposes of this section if the person is eligible for a special
18 parking permit as provided in 49-4-301.

19 (3) Except as provided in subsection (1), the provisions of this chapter apply to the operator of a
20 low-speed electric vehicle.

21
22 **Section 2.** Section 61-1-101, MCA, is amended to read:

23 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
24 definitions apply:

25 (1) (a) "Authorized agent" means a person who has executed a written agreement with the department
26 and is specifically authorized by the department to electronically access and update the department's motor
27 vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or
28 purposes upon behalf of a third party.

29 (b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited
30 partnership, limited liability company, association, joint venture, state agency, local government unit, another state

1 government, the United States, a political subdivision of this or another state, or any other legal or commercial
2 entity.

3 (2) "Authorized agent agreement" means the written agreement executed between an authorized agent
4 and the department that sets the technical and operational program standards, compliance criteria, payment
5 options, and service expectations by which the authorized agent is required to operate in performing specific
6 motor vehicle or driver-related record functions.

7 (3) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the
8 transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the
9 transportation of persons for compensation.

10 (4) (a) "Business entity" means a corporation, association, partnership, limited liability partnership, limited
11 liability company, or other legal entity recognized under state law.

12 (b) The term does not include an individual.

13 (5) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to
14 an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to a
15 cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

16 (b) The term does not include a truck canopy cover or topper.

17 (6) "Certificate of title" means the paper record issued by the department or by the appropriate agency
18 of another jurisdiction that establishes a verifiable record of ownership between an identified person or persons
19 and the motor vehicle specifically described in the record and that provides notice of a perfected security interest
20 in the motor vehicle.

21 (7) "Commercial driver's license" means:

22 (a) a driver's license issued under or granted by the laws of this state that authorizes a person to operate
23 a class of commercial motor vehicle; and

24 (b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid
25 commercial driver's license.

26 (8) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in
27 commerce to transport passengers or property if the vehicle:

28 (i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more,
29 whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

30 (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is

- 1 greater;
- 2 (iii) is designed to transport at least 16 passengers, including the driver;
- 3 (iv) is a school bus; or
- 4 (v) is of any size and is used in the transportation of hazardous materials as defined in 61-8-801.
- 5 (b) The following vehicles are not commercial motor vehicles:
- 6 (i) an authorized emergency service vehicle:
- 7 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and
- 8 (B) entitled to the exemptions granted under 61-8-107;
- 9 (ii) a vehicle:
- 10 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;
- 11 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana
- 12 within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles
- 13 of the farm, including any area within that perimeter that is in the adjoining state; and
- 14 (C) not used to transport goods for compensation or for hire; or
- 15 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military
- 16 reserves, a member of the national guard on active duty, including personnel on full-time national guard duty,
- 17 personnel in part-time national guard training, and national guard military technicians, or active duty United States
- 18 coast guard personnel.
- 19 (c) For purposes of this subsection (8):
- 20 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or
- 21 crops or the raising of livestock owned by or under the direct control of that person;
- 22 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight
- 23 of a combination or articulated vehicle;
- 24 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of
- 25 a single vehicle; and
- 26 (iv) "school bus" has the meaning provided in 49 CFR 383.5.
- 27 (9) "Commission" means the state transportation commission.
- 28 (10) "Custom-built motorcycle" means a motorcycle that is equipped with:
- 29 (a) an engine that was manufactured 20 years prior to the current calendar year and that has been
- 30 altered from the manufacturer's original design;

1 (b) an engine that was manufactured to resemble an engine 20 or more years old and that has been
2 constructed in whole or in part from nonoriginal materials.

3 (11) "Custom vehicle" means a motor vehicle other than a motorcycle that:

4 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or

5 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
6 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least
7 25 years old; and

8 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal
9 materials.

10 (12) "Customer identification number" means:

11 (a) a driver's license or identification card number when the customer is an individual who has been
12 issued a driver's license or identification card by a state driver licensing authority;

13 (b) a federal employer or tax identification number when the customer is a business entity that has been
14 issued a federal employer or tax identification number;

15 (c) the identification number assigned by the secretary of state to a business entity authorized to do
16 business in this state under Title 35 if the customer is a business entity that does not have a federal employer
17 or tax identification number other than a social security number; or

18 (d) if the customer has not been issued one of the numbers described in subsections (12)(a) through
19 (12)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

20 (13) (a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the
21 business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers,
22 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special
23 mobile equipment that is not registered in the name of the person.

24 (b) The term does not include the following:

25 (i) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting
26 under a judgment or order of any court of competent jurisdiction;

27 (ii) employees of the persons included in subsection (13)(b)(i) when engaged in the specific performance
28 of their duties as employees; or

29 (iii) public officers while performing or in the operation of their duties.

30 (14) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load

1 to be carried on the vehicle as stated by the registrant in the application for registration.

2 (15) "Department" means the department of justice acting directly or through its duly authorized officers
3 or agents.

4 (16) "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and trailer
5 tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.

6 (17) "Domiciled" means a place where:

7 (a) an individual establishes residence;

8 (b) a business entity maintains its principal place of business;

9 (c) the business entity's registered agent maintains an address; or

10 (d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer,
11 or pole trailer that it owns or leases.

12 (18) "Driver" means a person who drives or is in actual physical control of a vehicle.

13 (19) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by
14 the laws of this state, including:

15 (a) any temporary license or instruction permit;

16 (b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;

17 (c) any nonresident's driving privilege;

18 (d) a motorcycle endorsement; or

19 (e) a commercial driver's license.

20 (20) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is
21 self-balancing, and is designed to transport only one person with an electric propulsion system that limits the
22 maximum speed of the device to 12 1/2 miles an hour.

23 (21) "For hire" means an action performed for remuneration of any kind, whether paid or promised, either
24 directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which
25 a remuneration is obtained or derived for transportation service.

26 (22) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load on the
27 vehicle.

28 (23) "Highway" or "public highway" means the entire width between the boundary lines of every publicly
29 maintained way when any part of the publicly maintained way is open to the use of the public for purposes of
30 vehicular travel.

1 (24) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
2 arrests for violations of traffic regulations.

3 (25) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and exclusively
4 used by the owner of the vehicle in the conduct of the owner's agricultural operations.

5 (26) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

6 (a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor vehicle; or

7 (b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and drivetrain,
8 commonly referred to as a donor vehicle.

9 (27) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility
10 vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

11 (28) (a) "Low-speed electric vehicle" means a motor vehicle, upon or by which a person may be
12 transported, that:

13 (i) has four wheels;

14 (ii) has a maximum speed of 25 miles an hour as certified by the manufacturer;

15 (iii) is propelled by its own power, using an electric motor or other device that transforms stored electrical
16 energy into the motion of the vehicle;

17 (iv) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power
18 grid or from renewable electrical energy sources;

19 (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

20 (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
21 identification number as provided in 49 CFR, part 565; and

22 (vii) is equipped as provided in 61-9-432.

23 (b) A low-speed electric vehicle must be treated as a light vehicle for purposes of titling and registration
24 under Title 61, chapter 3.

25 ~~(28)~~(29) "Manufactured home" has the meaning provided in 15-24-201.

26 ~~(29)~~(30) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,
27 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular
28 business.

29 ~~(30)~~(31) "Manufacturer's certificate of origin" means the original paper record produced and issued by
30 the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and

1 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
2 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
3 ownership of the vehicle to the person or persons named in the certificate.

4 ~~(34)~~(32) (a) "Medium-speed electric vehicle" is a motor vehicle, upon or by which a person may be
5 transported, that:

6 (i) has a maximum speed of 45 miles an hour as certified by the manufacturer;

7 (ii) is propelled by its own power, using an electric motor or other device that transforms stored electrical
8 energy into the motion of the vehicle;

9 (iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power
10 grid or from renewable electrical energy sources;

11 (iv) is fully enclosed and includes at least one door for entry;

12 (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

13 (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
14 identification number as provided in 49 CFR, part 565;

15 (vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that
16 indicates the vehicle's maximum speed rating; and

17 (viii) as certified by the manufacturer, is equipped as provided in 61-9-432.

18 (b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and
19 registration under Title 61, chapter 3.

20 (c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000 pounds.

21 ~~(32)~~(33) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

22 ~~(33)~~(34) "Montana resident" means:

23 (a) an individual who resides in Montana as determined under 1-1-215;

24 (b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a
25 registered agent in this state.

26 ~~(34)~~(35) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
27 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
28 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

29 (b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard
30 or any successor federal agency.

1 ~~(35)~~(36) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed
 2 by a court that are operating motor vehicles upon a public highway in this state for the transportation of property
 3 for hire on a commercial basis.

4 (b) The term does not include motor carriers regulated under Title 69, chapter 12.

5 ~~(36)~~(37) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and
 6 that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one
 7 or more attachments and a seat for the conveyance of a passenger.

8 (b) The term does not include a tractor, a bicycle as defined in 61-8-102, a motorized nonstandard
 9 vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.

10 ~~(37)~~(38) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that
 11 produces 5 horsepower or less.

12 (b) The term does not include a bicycle, as defined in 61-8-102, or a motorized nonstandard vehicle.

13 ~~(38)~~(39) "Motor home" means a motor vehicle:

14 (a) designed to provide temporary living quarters, built as an integral part of or permanently attached to
 15 a self-propelled motor vehicle chassis or van;

16 (b) containing permanently installed independent life support systems that meet the ANSIA/A119.2
 17 standard; and

18 (c) providing at least four of the following types of facilities:

19 (i) cooking, refrigeration, or icebox;

20 (ii) self-contained toilet;

21 (iii) heating or air conditioning, or both;

22 (iv) potable water supply, including a faucet and sink; or

23 (v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply; or both.

24 ~~(39)~~(40) (a) "Motorized nonstandard vehicle" means a vehicle, upon or by which a person may be
 25 transported, that:

26 (i) is propelled by its own power, using an internal combustion engine or an electric motor;

27 (ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and

28 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
 29 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

30 (b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known as a

1 "pocket rocket".

2 (c) The term does not include an electric personal assistive mobility device or a motorized wheelchair
3 or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled
4 person.

5 ~~(40)~~(41) (a) "Motor vehicle" means:

6 (i) a vehicle propelled by its own power and designed or used to transport persons or property upon the
7 highways of the state; and

8 (ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9.

9 (b) The term does not include a bicycle as defined in 61-8-102, an electric personal assistive mobility
10 device, a motorized nonstandard vehicle, or a motorized wheelchair or other low-powered, mechanically propelled
11 vehicle that is designed specifically for use by a physically disabled person and that is used as a means of
12 mobility for that person.

13 ~~(41)~~(42) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal
14 or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person
15 as the result of a retail sale.

16 ~~(42)~~(43) "Nonresident" means a person who is not a Montana resident.

17 ~~(43)~~(44) (a) "Not used for general transportation purposes" means the operation of a motor vehicle,
18 registered as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or
19 motorcycle club activity or event or an exhibit, show, cruise night, or parade, or other occasional transportation
20 activity.

21 (b) The term does not include operation of a motor vehicle for routine or ordinary household
22 maintenance, employment, education, or other similar purposes.

23 ~~(44)~~(45) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country
24 travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to
25 motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land
26 transportation deriving motive power from any source other than muscle or wind.

27 (b) The term does not include:

28 (i) vehicles designed primarily for travel on, over, or in the water;

29 (ii) snowmobiles; or

30 (iii) motor vehicles designed to transport persons or property upon the highways unless the vehicle is

1 used for off-road recreation on public lands.

2 ~~(45)~~(46) "Operator" means a person who is in actual physical control of a motor vehicle.

3 ~~(46)~~(47) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an
4 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions
5 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the
6 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,
7 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the
8 person in whom is vested the right of possession or control.

9 ~~(47)~~(48) "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

10 ~~(48)~~(49) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine
11 powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person
12 sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the
13 vessel.

14 ~~(49)~~(50) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and
15 attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the
16 towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or
17 structural members capable generally of sustaining themselves as beams between the supporting connections.

18 ~~(50)~~(51) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
19 violations of traffic regulations.

20 ~~(51)~~(52) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use,
21 having a seat or saddle upon which the operator sits and a motor capable of producing not more than 50
22 horsepower.

23 (b) The term does not include golf carts.

24 ~~(52)~~(53) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated
25 upon stationary rails.

26 ~~(53)~~(54) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars
27 coupled to the engine, that is operated upon rails.

28 (b) The term does not include streetcars.

29 ~~(54)~~(55) "Recreational vehicle" includes a motor home, travel trailer, or camper.

30 ~~(55)~~(56) "Registration" or "register" means the act or process of creating an electronic record, maintained

1 by the department, of the assignment of a license plate or a set of license plates to and the issuance of a
2 registration decal for a specific vehicle, the ownership of which has been established or is presumed in
3 department records.

4 ~~(56)~~(57) "Registration decal" means an adhesive sticker produced by the department and issued by the
5 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole
6 trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the
7 registration period indicated on the sticker as recorded by the department under 61-3-101.

8 ~~(57)~~(58) "Registration receipt" means a paper record that is produced and issued or, if authorized by the
9 department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer
10 to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title
11 for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the
12 vehicle for the registration period indicated in the receipt.

13 ~~(58)~~(59) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,
14 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes
15 other than resale.

16 ~~(59)~~(60) "Revocation" means the termination by action of the department of a person's driver's license,
17 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's license
18 for a period of time designated by law, during which the license or privilege may not be renewed, restored, or
19 exercised. An application for a new license may be presented and acted upon by the department after the
20 expiration of the period of the revocation.

21 ~~(60)~~(61) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular
22 travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways,
23 the term refers to any roadway separately but not to all roadways collectively.

24 ~~(61)~~(62) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

25 (b) The term does not include a canoe or kayak propelled by wind.

26 ~~(62)~~(63) "School zone" means an area near a school beginning at the school's front door, encompassing
27 the campus and school property, and including the streets directly adjacent to the school property and for as
28 many blocks surrounding the school as determined by the local authority establishing a special speed limit under
29 61-8-310(1)(d).

30 ~~(63)~~(64) "Sell" means to transfer ownership from one person to another person or from a dealer to

1 another person for consideration.

2 ~~(64)~~(65) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed
3 for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and
4 that of its load rests upon or is carried by another vehicle.

5 ~~(65)~~(66) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding
6 accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that
7 is not otherwise registered or licensed under the laws of the state of Montana.

8 ~~(66)~~(67) "Special mobile equipment" means a vehicle not designed for the transportation of persons or
9 property on the highways but incidentally operated or moved over the highways, including road construction or
10 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is
11 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this
12 subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

13 ~~(67)~~(68) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

14 (i) was not originally constructed under a distinctive make, model, or type by a generally recognized
15 manufacturer of motor vehicles;

16 (ii) has been structurally modified so that it does not have the same appearance as similar vehicles from
17 a generally recognized manufacturer of motor vehicles;

18 (iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from
19 other vehicles;

20 (iv) has been constructed or assembled by using major component parts from one or more manufactured
21 vehicles and that cannot be identified as a specific make or model; or

22 (v) has been constructed by the use of a kit that cannot be visually identified as a specific make or model.

23 (b) The term does not include a motor vehicle that has been repaired or restored to its original design
24 by replacing parts.

25 ~~(68)~~(69) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that
26 is constructed on a truck chassis or that has special features for occasional off-road use.

27 (b) The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.

28 ~~(69)~~(70) (a) "Stop", when required, means complete cessation from movement.

29 (b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle,
30 whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the

1 directions of a police officer, highway patrol officer, or traffic control sign or signal.

2 ~~(70)~~(71) "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the
3 dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when
4 space at the dealer's established place of business is not available.

5 ~~(71)~~(72) "Street" means the entire width between the boundary lines of every publicly maintained way
6 when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

7 ~~(72)~~(73) "Street rod" means a motor vehicle, other than a motorcycle, that:

8 (a) was manufactured prior to 1949 or was built to resemble a vehicle manufactured before 1949,
9 including a kit vehicle intended to resemble a vehicle manufactured before 1949; and

10 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal
11 materials.

12 ~~(73)~~(74) "Suspension" means the temporary withdrawal by action of the department of a person's driver's
13 license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's
14 license for a period of time designated by law.

15 ~~(74)~~(75) "Temporary registration permit" means a paper record:

16 (a) issued by the department, an authorized agent, a county treasurer, or a person, using a
17 department-approved electronic interface after an electronic record has been transmitted to the department, that
18 contains:

19 (i) required vehicle and owner information; and

20 (ii) the purpose for which the record was generated; and

21 (b) that, when placed in a durable license-plate style plastic pouch approved by the department and
22 displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat,
23 sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record
24 is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs.

25 ~~(75)~~(76) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other
26 conveyances either singly or together while using any highways for purposes of travel.

27 ~~(76)~~(77) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed
28 for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests
29 upon the towing vehicle.

30 (b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101.

1 ~~(77)~~(78) "Transaction summary receipt" means an electronic record produced and issued by the
2 department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be
3 created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record
4 must contain a unique transaction record number and summarize and verify the electronic filing of the transaction
5 described in the receipt on the electronic record of title maintained under 61-3-101.

6 ~~(78)~~(79) "Travel trailer" means a vehicle:

7 (a) that is 40 feet or less in length;

8 (b) that is of a size or weight that does not require special permits when towed by a motor vehicle;

9 (c) with gross trailer area of less than 320 square feet; and

10 (d) that is designed to provide temporary facilities for recreational, travel, or camping use and not used
11 as a principal residence.

12 ~~(79)~~(80) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
13 transportation of property.

14 ~~(80)~~(81) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles
15 and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

16 ~~(81)~~(82) "Under the influence" has the meaning provided in 61-8-401.

17 ~~(82)~~(83) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged,
18 given away, or had its title transferred from the person who first took title to it from the manufacturer, importer,
19 dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what
20 is commonly known as "secondhand" within the ordinary meaning of that term.

21 ~~(83)~~(84) "Van" means a motor vehicle designed for the transportation of at least six persons and not more
22 than nine persons and intended for but not limited to family or personal transportation without compensation.

23 ~~(84)~~(85) (a) "Vehicle" means a device in, upon, or by which any person or property may be transported
24 or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails
25 or tracks.

26 (b) The term does not include a manually or mechanically propelled wheelchair or other low-powered,
27 mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is
28 used as a means of mobility for that person.

29 ~~(85)~~(86) "Vehicle identification number" means the number, letters, or combination of numbers and letters
30 assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for

1 the purpose of identifying the motor vehicle or a component part of the motor vehicle.

2 ~~(86)~~(87) "Vessel" means every description of watercraft, unless otherwise defined by the department,
3 other than a seaplane on the water, used or capable of being used as a means of transportation on water.

4 ~~(87)~~(88) "Wholesaler" means a person that for a commission or with intent to make a profit or gain of
5 money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a
6 used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or
7 special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."

8

9 **Section 3.** Section 61-3-562, MCA, is amended to read:

10 **"61-3-562. Permanent registration -- transfer of light vehicle ownership -- rules.** (1) (a) The owner
11 of a light vehicle that is 11 years old or older and subject to the registration fee, as provided for in 61-3-321(2);
12 or of a low-speed electric vehicle that is subject to the registration fee for a light vehicle as provided for in
13 61-3-321(2). may permanently register the light vehicle upon payment of a \$87.50 registration fee, the applicable
14 registration and license fees under 61-3-412, if applicable, the administrative fee and the annual one-time-only
15 donation fee for a generic specialty license plate under 61-3-480, and an amount equal to five times the local
16 option motor vehicle tax or flat fee on vehicles under 61-3-537 and, as applicable, either:

17 (i) (A) the original fee and four times the renewal fee for personalized plates; or

18 (B) five times the renewal fees for personalized plates; or

19 (ii) if a new set of license plates is not being issued, an insurance verification fee of \$5, which must be
20 deposited in the account established under 61-6-158.

21 (b) The following series of license plates may not be used for purposes of permanent registration of a
22 light vehicle:

23 (i) Montana national guard license plates issued under 61-3-458(2)(b);

24 (ii) reserve armed forces license plates issued under 61-3-458(2)(c);

25 (iii) amateur radio operator license plates issued under 61-3-422; and

26 (iv) collegiate license plates issued under 61-3-465.

27 (2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated
28 capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under
29 61-10-201.

30 (3) The owner of a motor vehicle that is permanently registered under this section is not subject to

1 additional registration fees or to other motor vehicle registration fees described in this section for as long as the
2 owner owns the vehicle.

3 (4) The county treasurer shall once each month remit to the state the amounts collected under this
4 section, other than the local option motor vehicle tax or flat fee, for the purposes of 61-3-321(2) and 61-10-201.
5 The county treasurer shall retain the local option motor vehicle tax or flat fee.

6 (5) (a) The permanent registration of a light vehicle allowed by this section may not be transferred to a
7 new owner. If the light vehicle is transferred to a new owner, the department shall cancel the light vehicle's
8 permanent registration.

9 (b) Upon transfer of a light vehicle registered under this section to a new owner, the new owner shall
10 apply for a certificate of title under 61-3-201 and 61-3-216 and register the light vehicle under 61-3-303."
11

12 **Section 4.** Section 61-5-102, MCA, is amended to read:

13 **"61-5-102. Drivers to be licensed -- penalties.** (1) (a) Except as provided in 61-5-104, a person may
14 not drive a motor vehicle upon a highway in this state unless the person has a valid Montana driver's license. A
15 person may not receive a Montana driver's license until the person surrenders to the department all valid driver's
16 licenses issued by any other jurisdiction. A person may not have in the person's possession or under the person's
17 control more than one valid Montana driver's license at any time.

18 (b) Except as provided in subsection (1)(c), the penalty for a first violation of this section is a fine of not
19 more than \$500, imprisonment for not more than 6 months, or both a fine and imprisonment. The penalty for
20 second and subsequent violations of this section is a fine of not more than \$500 and imprisonment for not less
21 than 2 days or more than 6 months.

22 (c) A person who is eligible to hold a driver's license and has obtained a valid driver's license but has
23 not renewed the license as provided in 61-5-111(3)(c) is not subject to the penalties in subsection (1)(b).

24 (2) (a) (i) Except as provided in subsection (2)(a)(ii), a license is not valid for the operation of a
25 motorcycle unless the holder of the license has completed the requirements of 61-5-110 and the license has been
26 clearly marked with the words "motorcycle endorsement".

27 (ii) A motorcycle endorsement is not required for the operation of a low-speed electric vehicle or a
28 motorcycle that is propelled by an electric motor or other device that transforms stored electrical energy into the
29 motion of the vehicle, has a fully enclosed cab, is equipped with three wheels in contact with the ground, and is
30 equipped with a seat and seatbelts.

1 (b) A license is not valid for the operation of a commercial motor vehicle unless the holder of the license
 2 has completed the requirements of 61-5-110, the license has been clearly marked with the words "commercial
 3 driver's license", and the license bears the proper endorsement for:

- 4 (i) the specific vehicle type or types being operated; or
 5 (ii) the passengers or type or types of cargo being transported.

6 (3) When a city or town requires a licensed driver to obtain a local driving license or permit, a license or
 7 permit may not be issued unless the applicant presents a state driver's license valid under the provisions of this
 8 chapter."

9

10 **Section 5.** Section 61-9-220, MCA, is amended to read:

11 **"61-9-220. Multiple-beam road-lighting equipment.** Except as provided in this part, the headlamps
 12 or the auxiliary driving lamps or combination of both on a motor vehicle other than a motorcycle, quadricycle, ~~or~~
 13 motor-driven cycle, or low-speed electric vehicle, must be ~~so~~ arranged so that the driver may select between
 14 distributions of light projected to different elevations. The selection can be made automatically, subject to the
 15 following limitations:

16 (1) There must be an uppermost distribution of light, or composite beam, capable of revealing persons
 17 and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

18 (2) There must be a lowermost distribution of light, or composite beam, capable of revealing persons and
 19 vehicles at a distance of at least 100 feet ahead. On a straight level road under any condition of loading the
 20 high-intensity portion of the beam may not be directed to strike the eyes of an approaching driver.

21 (3) A motor vehicle, other than a motorcycle, quadricycle, ~~or~~ motor-driven cycle, or low-speed electric
 22 vehicle, manufactured after January 1, 1956, that has multiple-beam road-lighting equipment must be equipped
 23 with a beam indicator that must be lighted whenever the uppermost distribution of light from the headlamps is in
 24 use, and may not otherwise be lighted. The indicator must be readily visible without glare to the driver of the
 25 vehicle."

26

27 **Section 6.** Section 61-9-432, MCA, is amended to read:

28 **"61-9-432. ~~Medium-speed~~ Low-speed and medium-speed electric vehicles -- required equipment.**
 29 ~~A medium-speed electric vehicle~~ (1) Low-speed electric vehicles and medium-speed electric vehicles, as defined
 30 in 61-1-101, must be equipped with:

- 1 ~~(1)(a)~~ headlamps, front and rear turn signal lamps, taillamps, and stop lamps;
- 2 ~~(2)(b)~~ three red reflectors, two of which must be placed on each side as far to the rear of the vehicle as
- 3 practicable, and one of which must be placed on the rear of the vehicle;
- 4 ~~(3)(c)~~ an exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted
- 5 on the passenger's side of the vehicle or an interior mirror;
- 6 ~~(4)(d)~~ a parking brake;
- 7 ~~(5)(e)~~ a windshield that conforms to the federal motor vehicle safety standard provided in 49 CFR
- 8 571.205; and
- 9 ~~(6)(f)~~ a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 CFR
- 10 571.209; and.
- 11 ~~(7)(2)~~ A medium-speed electric vehicle must be equipped with a roll bar, roll cage, or crush-proof body
- 12 design."

13

14 NEW SECTION. Section 7. Codification instruction. [Section 1] is intended to be codified as an

15 integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [section 1].

16

17 NEW SECTION. Section 8. Effective date. [This act] is effective January 1, 2012.

18 - END -